IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.463 OF 1993
WITH
FIRST APPEAL NO.1084 OF 1991

FIRST APPEAL NO.463 OF 1993

Gulam Saheb Patel & ors. .. .. Appellants (Orig. Claimants)

vs.

State of Maharashtra through Special Land Acquisition Officer. .. .. Respondents (Orig. Opponents)

Mr.K.L.Patil & Ms.Seema Surnaik for Appellants.

Mr.K.K.Tated for Respondents.

W I T H

FIRST APPEAL NO.1084 OF 1991

The State of Maharashtra .. .. Appellants

vs.

Gulam Saheb Daud Patel & anr. .. .. Respondents

Mr.K.K. Tated for Appellants.

Mr.K.L.Patil & Ms.Seema Surnaik for Respondents.

CORAM : SMT.ROSHAN DALVI, JJ.

Dated : 13th April, 2007

ORAL JUDGMENT :

1. Both these Appeals relate to the acquisition of lands in village Chal, Panel, District Raigad. These cases are covered by the judgment in the case of **State of Maharashtra vs. Namdeo Ganu Keni & ors. in First Appeal No.1049 of 1989 and First Appeal No.391 of 1989**. The rate that has been fixed under the said judgment is Rs.15/- per sq. meter. The SLAO has granted compensation at the rate of Rs.2/- per sq. meter. The learned Trial Judge has granted compensation at the rate of Rs.11/- per sq. meter.

2. The Advocate appearing for the Government applies for reduction of the amount of compensation. That Appeal is entirely misconceived and cannot be allowed and, therefore, it is dismissed.

3. The Appeal filed by the Claimants claims compensation at

the rate of Rs.21/- per sq. feet. In view of the judgment, which covers this case, the enhancement can be granted only to the extent of Rs.15/- per sq. feet. Hence, the Appeal of the Claimants is allowed to that extent. Order accordingly.

4. Both the Appeals stand disposed of accordingly. No order as to costs.

(SMT.ROSHAN DALVI, J.)